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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/667,110
Filing Date: September 17, 2003
Appellant(s): GENTLE, CHRISTOPHER R.

Sheridan Ross
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09/09/2008 appealing from the Office action mailed 04/14/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Patent No. 5995101	Clark et al.	11-1999
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Pub. No. US 2004/0205514 A1	Sommerer et al.	06-2002
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Patent No. 6160554

Krause

12-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action.

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 1-7, 9-15, 17-23 and 25-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al (Patent No. 5995101; hereinafter Clark) in view of Sommerer et al (Pub No. US 2004/0205514 A1; hereinafter Sommerer).**

As to claim 1, Clark teaches:

A method for providing a visual representation of the consequences of taking an action (e.g., multi-level tool tip, see Fig. 3), comprising:

first moving a cursor in response to input from a user (e.g., see col. 1 lines 44-53);

first detecting a position of said cursor within an application window (e.g., see step 100 in Fig. 4); and

in response to said position of said cursor corresponding to a first selectable item within said application window, displaying a depiction of a consequence of selecting said first selectable item (e.g., see Fig. 3; note that the third-level tool tip may provide a graphical image 64 demonstrating the icon's function in detail; further note that the program may include as

many additional, higher-level tips as needed to fully demonstrate the program function associated with the icon 54, see e.g., col. 2 lines 51-63), wherein said first selectable item is not a representation of a file (e.g., see Figs. 1-3; note that the selectable item is from a tool bar icon, thus not a representation of a file) and wherein said displaying a depiction is performed in the absence of an actual selection of said first selectable item (e.g., note the third-level tip 62 replaces the second-level tip if the user does not move the cursor from the icon, thus no selection of the first selectable item occurs, see col. 2 lines 51-56).

Although Clark teaches displaying a graphical image demonstrating the icon's function in detail, Clark does not expressly teach displaying a preview of an actual consequence of selecting said first selectable item and that the actual consequence of actually selecting the first selectable item includes an operation that is performed on a file that is open in a computer program presenting the first selectable item.

Sommerer teaches a hyperlink preview utility that discerns user intent to display a preview of a target resource page associated with a linking control, such as a hyperlink or visit node; wherein the preview is displayed adjacent to the linking control and may display layout and content information to a user; wherein invocation of a hyperlink preview is accomplished by hovering over a hyperlink, in a manner similar to the operation for invoking a tool tip. The display includes a preview of an actual consequence of selecting a selectable item (e.g., see [0008] and Fig. 1).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the multi-level tool tip disclosed in Clark to include the feature of displaying a preview of an actual consequence of selecting a toolbar menu item in view of express suggestion in Sommerer (e.g., see Sommerer [0008] and Fig. 1) where it says displaying a tooltip window that displays a preview of an actual consequence of selecting a

selectable item. In addition, the skilled artisan in the art, having common knowledge and common sense, would reasonably be expected to draw the inference from the references to include the feature of including, in the preview display of an actual consequence of an actually selecting the first selectable item, a display of an operation that is performed on a file that is open in a computer program presenting the first selectable item because the tool bar items shown in the Clark application window (e.g., see Clark Figs. 1-3) is for performing an operation on a file that is open within the application window and because Clark suggests that the multi-level tool tip can be applied for any control area in a graphical user interface including those that shown in Adobe's web page authoring product (e.g., see Figs. 1-3 and col. 3 lines 63-67; note that the operations of the tool bar items are not those that includes opening a file because the file is already open) and because Clark expressly discloses that the third-level tool tip may provide a graphical image 64 demonstrating the icon's function in detail; further note that the program may include as many additional, higher-level tips as needed to fully demonstrate the program function associated with the icon 54, see e.g., col. 2 lines 51-63. One would be motivated to make the combination to provide the user with information concerning what a graphical representation represents or what is contained within the representation without actually selecting a function (e.g., see Sommerer [0008]).

In regard to claim 17, claim 17 reflects the method for performing the features as claimed in claim 1, and is rejected along the same rationale.

In regard to claim 31, claim 31 is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected including the following:

Clark teaches:

An apparatus for displaying a consequence of a selection to a user (e.g., computer system 10 for displaying a multi-level tool tip, see Fig. 3 and Fig. 5), comprising:

- means for visually displaying (e.g., display device 28 in Fig. 5);
- means for receiving user input (e.g., I/O bus 26, I/O interface 27, keyboard 29, mouse 34, see Fig. 5);
- means for determining a position of a cursor (e.g., see step 100 in Fig. 4), wherein said cursor is displayed by said means for visually displaying (e.g., see cursor 52 in Fig. 3) and is responsive to said means for receiving user input (e.g., see col. 1 lines 44-53);
- means for determining a relationship between a position of a selectable item displayed by said means for visually displaying and said cursor (e.g., see Fig. 3); and
- means for generating a tool tip display (e.g., see Fig. 3).

In regard to claim 34, claim 34 is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected including the following:

Clark teaches:

An apparatus for providing a depiction of the consequences of making a selection (e.g., computer system 10 for displaying a multi-level tool tip, see Fig. 3 and Fig. 5), comprising:

- data storage (e.g., RAM 21, ROM 22, hard disk 33, see Fig. 5 and col. 5 lines 14-25), wherein at least a first application is maintained in said data storage (e.g., program 15 is stored in hard disk 33, see Fig. 5);
- a data processor operable to execute instructions included in said first application (e.g., CPU 20, see Fig. 5 and col. 5 lines 14-46);

a visual display operable to display graphical elements generated in connection with said execution of said instructions included in said first application and operable to display a cursor (e.g., see Fig. 3);

a pointing device operable to receive commands from a user concerning a position of said cursor with respect to said graphical elements (e.g., see step 100 in Fig. 4), wherein the tooltip display is provided as part of an application (e.g., see Fig. 3).

As to claims 2 and 18, Clark further teaches:

second moving a cursor in response to input from a user (e.g., moves the cursor to another icon, see col. 3 lines 36-51);

second detecting a position of said cursor (e.g., see step 100 in Fig. 4 and col. 3 lines 36-51); and

in response to said position of said cursor no longer corresponding - or hovering over - to said first selectable item within said application window, discontinuing said displaying a depiction of a consequence of selecting said first selectable item (e.g., see col. 3 lines 36-51).

As to claim 3, Clark further teaches:

second moving a cursor in response to input from said user (e.g., moves the cursor to another icon, see col. 3 lines 36-51);

second detecting a position of said cursor within said application window (e.g., see step 100 in Fig. 4 and col. 3 lines 36-51); and

in response to said position of said cursor corresponding to a second selectable item within said application window, displaying a consequence of selecting said second selectable item (e.g., see col. 3 lines 36-51).

As to claim 4, Clark further teaches displaying a tool tip of a selectable item in a way that is visually altered as compared to a display in response to an actual selection of said selectable item (e.g., a user cannot interact with the information included in a tool tip while a user can interact with a display of an actual selection of the selectable item, see Fig. 3 and col. 1 lines 11-35). Clark does not expressly disclose that displaying a result of selecting a selectable item. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the multi-level tool tip disclosed in Clark to include the feature of displaying a result of selecting a selectable item that is different from a display of an actual result of selecting a selectable item in view of express suggestion in Sommerer. One would be motivated to make the modification because Clark suggests to the skilled artisan that the third-level tip 62 may include a graphical image 64 demonstrating the icon's function (e.g., see col. 2 lines 51-63) and that multiple levels of multi-level tool tip may be used to provide different types of information (see col. 5 lines 50-60). The motivation would be to provide much insight into the functions of the related icons or function or to fully demonstrate the program function associated with the selected icon (e.g., see Clark col. 1 lines 34-40 and col. 2 lines 51-63).

As to claims 5-6, 21, Clark further teaches displaying the tool tip as a transparent overlay wherein said transparent overlay comprises an alpha-blended rendering (e.g., see Fig. 3).

As to claims 7 and 22, Clark further teaches displaying the tool tip as a stencil outline (e.g., see Fig. 3).

As to claims 9 and 28, Clark further teaches wherein said hovering over a first selectable item comprises said cursor remaining in an area corresponding to said first selectable item for at least a first predetermined period of time (e.g., see col. 2 lines 30-67);

As to claim 10, Clark further teaches wherein said selectable item comprises at least one of a menu item, an icon, and a button (e.g., icon 54 as shown in Fig. 3).

As to claim 11, Clark further teaches detecting a selection of said first selectable item; in response to said detecting a selection said first selectable item, displaying a consequence of selecting said first selectable item, wherein an appearance of said depiction of a consequence of selecting said selectable item is different than an appearance of said consequence of selecting said selectable item (e.g., see Fig. 3 and col. 1 lines 11-33).

As to claim 12, Clark further teaches wherein said method is performed with respect to a graphical user interface (e.g., see Fig. 3).

As to claim 13, Sommerer further teaches wherein said displayed depiction comprises a depiction of at least one of a submenu or sub-window (e.g., see Fig. 1).

As to claim 14, Clark further teaches after said displaying a depiction of a consequence of selecting said selectable item, in response to a position of said cursor no longer corresponding to said selectable item, discontinuing said displaying a depiction of a consequence of selecting said selectable item (e.g., see col. 3 lines 36-51).

As to claim 15, Clark further teaches displaying an indication of a relationship between said selectable item and said depiction of a consequence of selecting said selectable item (e.g., see Fig. 3).

As to claim 19, Clark further teaches wherein said discontinuing is performed in the absence of a user selection of a second selectable item for discontinuing said depicting a consequence of selecting said first selectable item (e.g., see col. 3 lines 36-51);

As to claim 20, Clark further teaches third determining a position of said cursor; and in response to said position of said cursor hovering over a second selectable item, depicting a consequence of selecting said second selectable item (e.g., see step 100 in Fig. 4 and col. 3 lines 36-51).

As to claim 23, Clark further teaches wherein said depicted consequence of selecting a first selectable item comprises displaying at least one of an inactive submenu, an inactive window, and an inactive dialogue (e.g., a tool tip may be in a containing window, see col. 5 lines 50-60).

As to claim 25, Clark teaches the limitations of claim 17 for the same reasons as discussed with respect to claim 17 above. Clark does not expressly teach that depicting a consequence of selecting said first selectable item comprises a submenu. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the multi-level tool tip disclosed in Clark to include the feature of displaying a depiction of a submenu in view of express suggestion in Sommerer. One would be motivated to make the modification because Clark suggests to the skilled artisan that the third-level tip 62 may include a graphical image 64 demonstrating the icon's function (e.g., see col. 2 lines 51-63) and that multiple levels of multi-level tool tip may be used to provide different types of information (see col. 5 lines 50-60). The motivation would be the same as discussed with respect to claim 4 above.

As to claim 26, Clark further teaches wherein said consequence of selecting said first selectable item comprises a subwindow (e.g., a tool tip may be in a containing window and that selecting a 'user option' control may invoke a dialog, menu, see col. 5 lines 50-60 and col. 4 lines 14-20).

As to claim 27, Clark further teaches in response to a selection of said first selectable item, displaying at least one of an active submenu and an active window (e.g., dialog, menu, etc. see col. 4 lines 14-20 and col. 1 lines 20-30).

As to claim 29, Clark further teaches wherein said computational component comprises a computer readable storage medium containing instructions for performing the method (e.g., RAM 21, ROM 22, hard disk 33, see Fig. 5 and col. 5 lines 14-25).

As to claim 30, Clark further teaches wherein said computational component comprises a logic circuit (e.g., see Fig. 5).

As to claim 32, Clark further teaches displaying the tool tip as a transparent overlay wherein said transparent overlay comprises an alpha-blended rendering (e.g., see Fig. 3).

As to claim 33, Clark further teaches wherein said means for receiving user input comprises a pointing device (e.g., a mouse 34 in Fig. 5).

As to claim 35, Clark further teaches wherein said pointing device includes a button for receiving an indication of a user selection (e.g., left button or right button of a mouse 34 in Fig. 5), and wherein said depiction of the consequences of selecting a selectable item is displayed in the absence of operation of said button (e.g., note that the tool tip is displayed if the user points

with a pointing device to an area of the graphical display associated with a function, see col. 1 lines 44-53).

3. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Sommerer as applied to claim 15 and further in view of Krause (Patent No. 6160554; hereinafter Krause).

As to claim 16, Clark and Sommerer teach the limitations of claim 15 for the same reasons as discussed with respect to claim 15 above. Clark and Sommerer do not expressly teach displaying a projection line to show a relationship between a selectable item and a depiction. Krause teaches a preview window that is invoked by placing a mouse cursor over the file name or icon (e.g., see col. 1 lines 50-65). Krause teaches when the preview window is invoked, it may appear close to and/or connected to the object to which it refers; especially, Krause teaches displaying projection line between the preview window and the file icon (e.g., see col. 3 lines 42-57 and Fig. 1 item 141).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Clark and Sommerer to incorporate the indicating geometry as taught by Krause to achieve the claimed invention. As suggested by Krause, the motivation is to show the relationship between the preview window and the object to which it refers (e.g., see Krause col. 3 lines 44-49).

(10) Response to Argument

Clark et al. reference (hereinafter referred to as Clark): Clark teaches a multi-level tool tip for providing information in a graphical display about a particular function of a program executing on a computer system wherein the particular function comprising functional icons in a

menu bar or tool bar (e.g., Figs. 1-3 and col. 1 lines 43-53). Clark discloses the providing information about the particular function is provided using a tooltip feature that does not require the actual selection of the function (e.g., Figs. 1-3 and col. 1, lines 64-57 through col. 2, lines 1-8). Clark expressly suggests that the multi-level tool tip can include detail textual explanation of the icon's function, a graphical image or a multimedia clip demonstrating the icon's function in detail, or a combination of these; and may include as many additional, higher-level tips as needed to fully demonstrate the program function associated with a function icon in a tool bar (e.g., col. 2 lines 56-63). Clark suggests that selectable items or functional icons in the toolbar comprises functionalities that are performed on a file that is open in a computer program presenting the selectable items (e.g., Figs. 1-3 and col. 3 lines 63-67; wherein the operations of the tool bar items are those that are performed on a file that currently open in the application window presenting the tool bar).

Sommerer et al. reference (hereinafter referred to as Sommerer): Sommerer teaches a hyperlink preview utility that discerns user intent to display a preview of a target resource page associated with a linking control, such as a selectable hyperlink or selectable visit node; wherein the preview is displayed adjacent to the linking control and may display layout and content information to a user; wherein invocation of a hyperlink preview is accomplished by hovering over a hyperlink, in a manner similar to the operation for invoking a tool tip. The display includes a preview of an actual consequence of selecting a selectable item (e.g., Fig. 1, [0008], [0027]).

Krause reference (hereinafter referred to as Krause): Krause teaches a file content preview window wherein the preview window appears close to and/or connected to the object to

which it refers; especially, Krause teaches displaying projection line between the preview window and the file icon (e.g., see col. 3 lines 42-57 and Fig. 1 item 141).

The arguments:

- I. **With respect to claims 1-7, 9-15, 17-23 and 25-35,**
 - a) Appellants argue that the prior art of Clark does not teach, suggest or describe providing a preview of the actual consequence of selecting an item (Appeal Brief dated 09/09/2008 page 9, paragraph 1). Appellants further argue that the prior art of Sommerer does not teach, suggest or describe providing a preview of an actual consequence of selecting a selectable item that includes an operation performed on a file that is open in the application as generally claimed (Appeal Brief dated 09/09/2008 page 9, paragraph 2)

The examiner respectfully disagrees and directs the Appellant to the fact that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, the combination of Clark and Sommerer teaches these limitations as set forth in the rejection of claim 1 above.

- b) Appellants argue that the proposed combination of references does not provide all of the elements of the claims. Particularly, the Appellants argue that the combination of the prior art does not disclose of previewing the results of an operation performed on a file; the tool tip of Clark is not in fact for performing an operation on a file; previewing the effect of an operation performed on an open file (Appeal Brief dated 09/09/2008 page 9, paragraph 3 through page 10, paragraph 1).

The examiner respectfully disagrees and directs the Appellants to the fact that the features upon which Appellants rely (i.e., previewing the results of an operation performed on a file; performing an operation on a file; previewing the effect of an operation performed on an open file)(emphasized added) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

c) Appellants appear to limit the term "actual consequence of actually selecting a first selectable item includes an operation that is performed on a file" to just "displaying a previewing the results of an operation performed on a file" and argue that there is no motivation to combine the Clark and Sommerer references to arrive at the feature of depicting the actual consequence of actually selecting a first selectable item that performs an operation on an open file in the absence of such an actual selection (Appeal Brief dated 09/09/2008 page 10, paragraph 2).

In response, the examiner respectfully disagrees. All that is required is that displaying a preview of an actual consequence of selecting a selectable item; wherein said actual consequence of actually selecting the selectable item includes an operation that is performed on a file that is open in a computer program presenting the first selectable item. That is, displaying a preview of a functionality of a selectable item; wherein the functionality of the selectable item includes an operation that is performed on a file that is open in a computer program presenting the selectable item. The combination of Clark and Sommerer teaches this limitation as set forth in the rejection of claim 1 above.

d) Appellants argue with respect to claim 1 that the combination of Clark and Sommerer does not result in a method that provides a preview of an actual consequence of selecting an item that includes an operation performed on a file that is open in the application and in which

the selectable item is not a representation of a file (Appeal Brief dated 09/09/2008 page 11, paragraph 1).

In response, the examiner respectfully disagrees. Clark teaches a multi-level tool tip for providing information in a graphical display about a selectable item (e.g., particular function of a program executing on a computer system) wherein the particular function such as ones included in a menu bar or tool bar (e.g., Figs. 1-3 and col. 1 lines 43-53). Clark discloses the providing information about the particular function is provided using a tooltip feature that does not require the actual selection of the function (e.g., Figs. 1-3 and col. 1, lines 64-57 through col. 2, lines 1-8). The examiner then admits that Clark does not expressly teach displaying a preview of an actual consequence of selecting said first selectable item and that the actual consequence of actually selecting the first selectable item includes an operation that is performed on a file that is open in a computer program presenting the first selectable item. Sommerer teaches a hyperlink preview utility that discerns user intent to display a preview of a target resource page associated with a linking control, such as a selectable hyperlink or selectable visit node; wherein the preview is displayed adjacent to the linking control and may display layout and content information to a user; wherein invocation of a hyperlink preview is accomplished by hovering over a hyperlink, in a manner similar to the operation for invoking a tool tip. Sommerer teaches the display includes a preview of an actual consequence of selecting a selectable item (e.g., Fig. 1, [0008], [0027], [0028]). Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the multi-level tool tip as disclosed by Clark to include the feature of displaying a preview of an actual consequence of selecting a selectable item as disclosed by Sommerer to achieve the feature of displaying a preview of an actual consequence of selecting an item that includes an operation performed on a file that is open in the application and in which the selectable item is

not a representation of a file because Clark expressly suggests to the skilled artisan that the multi-level tool tip may provide a graphical image demonstrating the icon's function in detail and many additional, higher-level tips can be provided as needed to fully demonstrate the program function associated with a selectable icon (e.g., col. 2 lines 51-63). This is true because the selectable items in the toolbar disclosed in Clark include the functionalities that are performed on a file that is open in a computer program presenting the selectable items (e.g., Figs. 1-3 and col. 3 lines 63-67; wherein the operations of the tool bar items are those that are performed on a file that currently open in the application window presenting the tool bar). One would have been motivated to make such a combination is to provide the user with information concerning what a graphical representation represents or what is contained within the representation without actually selecting a function (e.g., see Sommerer [0008]).

e) Appellants argue with respect to claim 17 that the combination of Clark and Sommerer does not provide a preview of an actual consequence of selecting an item that performs an operation on a file that is open within an application (Appeal Brief dated 09/09/2008 page 11, paragraph 2).

In response, the examiner respectfully disagrees. The appellant appears to repeat that the combination of Clark and Sommerer does not result in a method that provides a preview of an actual consequence of selecting an item that includes an operation performed on a file that is open in the application and in which the selectable item is not a representation of a file. The examiner incorporates the arguments as set forth in the argument d).

f) Appellants argue with respect to claim 31 that the combination of Clark and Sommerer does not disclose of performing an operation on a file that is open in the application (Appeal Brief dated 09/09/2008 page 11, paragraph 2).

In response, the examiner respectfully disagrees. The appellant appears to repeat that the combination of Clark and Sommerer does not result in a method that provides a preview of an actual consequence of selecting an item that includes an operation performed on a file that is open in the application and in which the selectable item is not a representation of a file. The examiner incorporates the arguments as set forth in the argument d). In addition, the examiner notes the prior art of Clark further suggests the multi-level tool tip can include detail textual explanation of the icon's function, a graphical image or a multimedia clip demonstrating the icon's function in detail, or a combination of these; and may include as many additional, higher-level tips as needed to fully demonstrate the program function associated with a function icon in a tool bar (e.g., Figs. 1-3 and col. 2 lines 56-63). Clearly, the skilled artisan in the art, at the time the invention was made, would have realized that the selectable items on the tool bar as shown in Figs. 1-3 are for performing an operation on a file that is open in the application program, wherein the operation does not include opening a file because a file is already open. Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, modify the multi-level tool tip as disclosed by Clark to include the feature of displaying a preview of an actual consequence of selecting a selectable item as disclosed by Sommerer to achieve the feature of displaying a preview of an actual consequence of selecting an item, wherein said actual consequence of selecting the selectable item performs an operation on a file that is open in the application program that does not include opening a file in view of express suggestion in Clark for the same reasons as set forth in the argument of d).

g) Appellants argue with respect to claim 34 that the combination of Clark and Sommerer does not disclose providing a preview of the actual results of a selection of a selectable item (Appeal Brief dated 09/09/2008 page 12, paragraphs 3, 4).

In response, the examiner respectfully disagrees. The appellant appears to repeat that the combination of Clark and Sommerer does not result in a method that provides a preview of an actual consequence of selecting an item that includes an operation performed on a file that is open in the application and in which the selectable item is not a representation of a file. The examiner incorporates the arguments as set forth in the argument d).

II. **With respect to claim 16,**

a) Appellants argue with respect to claim 16 that the combination of Clark and Sommerer and Krause does not disclose providing a preview of an actual consequence of selecting a first selectable item where the actual consequence of actually selecting the first selectable item includes an operation that is performed on a file that is open in a computer program presenting that item (Appeal Brief dated 09/09/2008 page 13, paragraph 2).

In response, the examiner respectfully disagrees. The appellant appears to repeat that the combination of Clark and Sommerer and Krause does not result in a method that provides a preview of an actual consequence of selecting an item that includes an operation performed on a file that is open in the application and in which the selectable item is not a representation of a file. The examiner incorporates the arguments as set forth in the argument d).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

TuyetLien Tran,

/TuyetLien T Tran/
Examiner, Art Unit 2179

Conferees:

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